IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 21 OF 2005

SMT.F. RODRIGUES ....Applicants

Versus

MR.S.R.MORE(MD) & ORS., ...Respondents

Mrs.winnie Coutinho,addl. P.p. For The Applicant.

Shri Shivan Desai, Advocate For Respondents No.1,2 & 3.

Coram:- N. A. BRITTO, J.

Date:- 21st April, 2005

P.C.:

Heard the learned Addl. P.P. in support of the application for condonation of delay in filing the application for leave to appeal and Shri S. Desai, learned Advocate on behalf of the respondents who opposes the same.

The Judgment of the trial Court discharging/acquitting the accused is dated 17.1.03 and as against the same, the complainant preferred a Revision Application on 19.4.03 which came to be dismissed by the learned Sessions Judge, Margao on 18.11.04 as not maintainable. One does not know whether the said revision application, namely Criminal Revision Application No.19/03 was filed during the time prescribed, nor there is a serious contest as regards to the same. It is mentioned in the affidavit filed by the applicant that after the said Criminal Revision petition was dismissed by the learned Sessions Judge, Margao on 18.11.04, a certified copy of the Order of the learned Sessions Judge was applied for on the same day and delivered on 24.11.04. The affidavit filed by the complainant in support of the application shows that the file was sent to the Office of the Commissioner for Labour on 6.12.04 and

ultimately the file was sent to the Office of the Advocate General on 17.1.05 for the purpose of filing of this application which was filed on 7.2.05. The movement of the file from Department to Department has been explained by the complainant in para 3 of the affidavit. Although the learned Addl. P.P. was contacted for filing of this application on 22.1.05, the same could not be filed, according to the learned Addl. P.P., for want of a certified copy of the Criminal Revision Application which was made available to her only on 7.2.05 on which date the application under consideration came to be filed.

In my view, considering that the complainant had approached the learned Sessions Judge, Margao, and subsequent delay, as explained in the affidavit, I am inclined to condone the delay in filing the application for leave.

Accordingly, the application under Stamp No. 332/05 shall be registered and the application dated 7.2.05 shall stand disposed of. Application under Stamp No. 332/05 to be taken up after Vacation.

N. A. BRITTO, J.